

AO 91 (Rev. 11/11) Criminal Complaint

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**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America  
v.  
Justin Cody SWAIN

Case: 2:19-mj-30491  
Assigned To : Unassigned  
Assign. Date : 9/12/2019  
Description: RE: JUSTIN CODY  
SWAIN (EOB)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 12, 2017 - September 12, 2019 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 USC § 2251

Production of child pornography

18 USC §§ 2252A(a)(5)(b) and 2252A(a)(2)

Possession and distribution of child pornography

This criminal complaint is based on these facts:  
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

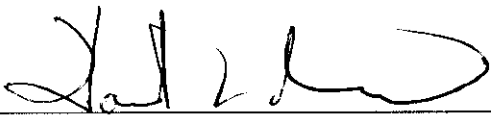
Date: 9/12/19

City and state: Detroit, Michigan

  
Complainant's signature

Angela Potter, Special Agent (HSI)

Printed name and title

  
Judge's signature

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR A SEARCH WARRANT**

I, Angie Potter, being first duly sworn, state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with Homeland Security Investigations (HSI), of the United States Department of Homeland Security (DHS). I am assigned to the Special Agent in Charge (SAC), Office of Investigations (OI) in Detroit, Michigan with offices located at 477 Michigan Ave, Suite 1850, Detroit, Michigan. I have been employed with HSI since April, 2006. I have successfully completed the Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. I have received a Bachelor's Degree in Criminal Justice from University of Cincinnati.
2. This affidavit is made in support of a criminal complaint and arrest warrant for **Justin Cody SWAIN** (DOB XX/XX/1978) for

violations of Title 18, United States Code, Sections 2251, 2252A(a)(5)(b) and 2252A(a)(2), which criminalize, among other things, the production, possession, and distribution of child pornography and other related materials.

3. This affidavit is based on my personal knowledge, experience and training as well as on information obtained by me through investigative observations and conversations with other HSI agents and agents from other law enforcement agencies. This affidavit does not set forth every fact resulting from this investigation; rather, it contains a summary of the investigation to date for the limited purpose of establishing probable cause to obtain an arrest warrant for **Justin Cody SWAIN**.

#### **Probable Cause**

4. While conducting investigations on Website A,<sup>1</sup> a website frequently used to trade child pornography, officers observed approximately twenty photographs in an album titled “sleeping”

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<sup>1</sup> The true name of Website A is known to law enforcement but not revealed here to protect the integrity of the ongoing investigation.

of a minor female (hereinafter MV-1) that were posted by user jaron313 with email address cswain04@yahoo.com.

5. HSI agents have reviewed these pictures, and they depict a sleeping minor female wearing at least six different sets of bra and underwear combinations. Examples of these pictures include:

a. Website A\_647291571[].jpg:<sup>2</sup> This is an image of MV-1 wearing a purple shirt and see-through purple panties. The camera is zoomed in and is focused on her rear end. The center of the picture is focused on the space between MV-1's legs. Your affiant believes, based on my training and experience, that this photograph likely meets the federal definition of child pornography.

b. Website A\_64729153[].jpg: This is a close up image of MV-1's rear end. She is wearing thong style panties and most of her rear end is visible. No other parts of her body other than her rear-end are depicted in the photograph, and the

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<sup>2</sup> The file names have been redacted so that they cannot be used by others to further access, review, and disseminate child pornography.

focus of the photograph is her bottom. Your affiant believes, based on my training and experience, that this photograph also likely meets the federal definition of child pornography.

6. On July 24, 2019, a user posted a comment on Website A, stating “hot album...more!” to which jaron313 responded, “thx, working on more.”
7. On August 22, 2019, Australian law enforcement officers posted a comment on the pictures of MV-1 asking how old MV-1 was. Jaron313 responded, “thx...she’s 15 in these.” After issuing subpoenas, HSI determined that jaron313 was logging in from 13XXX Village Square Drive, Apt. 3XX, in Southgate, Michigan.
8. On September 12, 2019, HSI Detroit Agents, along with members of the Michigan State Police executed a search warrant at this address. **SWAIN’s** girlfriend was present and stated that he resides with her and that he was at work. HSI recovered several of **SWAIN’s** electronic devices.

9. HSI Detroit Special Agents traveled to **SWAIN**'s work address.

**SWAIN** was present and made several statements to law enforcement. He admitted that he had posted an album of photos he took of MV-1 (DOB XX/XX/2001) on Website A. He said that he had been taking photographs like those in the album of MV-1 for approximately two years. He also said that he had viewed other child pornography on Website A, including child pornography depicting infants. However, he stated that he had not masturbated to child pornography of a child younger than 15. **SWAIN** indicated that he used his cellular phone to take these photographs of MV-1.

10. A review of **SWAIN**'s phone revealed numerous images of MV-1 sleeping in her underwear. HSI agents also found nine images of MV-1 asleep with a bare, adult male penis near her face and nearly touching her lips. Several of these photographs meet the federal definition of child pornography. They are dated from June to July of 2018. When questioned about these images, **SWAIN** again admitted MV-1's identity and stated that it was his penis in the pictures.

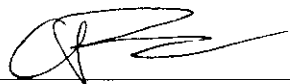
**SWAIN** stated that he had produced these particular images on two

separate occasions. **SWAIN** stated that, on one of the occasions, he filmed himself masturbating in the hallway outside of MV-1's door. **SWAIN** stated that he would masturbate while filming himself, and then point the camera at MV-1, and then point it back at himself while he was masturbating. **SWAIN** stated that MV-1 is currently 17-years old.

**CONCLUSION**

11. Your Affiant respectfully submits that there is probable cause to believe that **Justin Cody SWAIN (DOB XX/XX/1978)** violated Title 18, United States Code, Sections 2251, 2252A(a)(5)(b) and 2252A(a)(2), which criminalize, among other things, the production, possession, and distribution of child pornography and other related materials. Your affiant requests that the Court authorize the issuance of a criminal complaint and arrest warrant for **Justin Cody SWAIN**.

Respectfully submitted,



Angie M. Potter, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me  
on the 12th day of September, 2019.



Hon. David R. Grand  
UNITED STATES MAGISTRATE JUDGE

Date: 9/12/19